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Message Text

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FM AMEMBASSY BUCHAREST
TO SECSTATE WASHDC PRIORITY 9198
INFO AMEMBASSY MOSCOW
AMEMBASSY WARSAW
AMEMBASSY SOFIA
AMEMBASSY COEPNHQGEN

LIMITED OFFICIAL USE SECTION 1 OF 2 BUCHAREST 4693

E.O. 11652: N/A
TAGS: EFIS, BU, ICNAF, PLOS, US, XN
SUBJ: US/BULGARIA NOGOTIATIONS ON GOVERNING INTERNATIONAL FISHERY AGREEMENT (GIFA)
REF : SOFIA 1668

1. SUMMARY: US DEL CONCLUDED DISCUSSIONS ON PROPOSED GIFA WITH BULGARIA IN MEETINGS AUGUST 4 AND 6, 1976. A JOINT DELEGATION REPORT WAS CONCLUDED, BASED ON A DRAFT GIFA WITH SOME ISSUES LEFT UNRESOLVED AND SET OFF IN BRACKETS. AMBASSADOR HERZ INITIALLED THE DRAFT AGREEMENT FOR THE UNITED STATES. DIRECTOR-GENERAL NEDEV INITIALLED FOR BULGARIA. US DEL WAS UNABLE TO CLARIFY SEVERAL QUESTIONS DURING THE NEGOTIATIONS (E.G. FEE RATES, PROCEDURES FOR ISSUING PERMITS FOR REPLACEMENT VESSELS, DISPUTE SETTLEMENT) AND STATED WILLINGNESS TO SEND ANSWERS ASAP THROUGH DIPLOMATIC CHANNELS. A FINAL NEGOTIATION SESSION WAS SET FOR EARLY FALL IN WASHINGTON. END SUMMARY.

2. REPRESENTATIVES OF THE UNITED STATES AND BULGARIA MET IN
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SOFIA ON AUGUST 4 AND 6, 1976 AND CONCLUDED DISCUSSIONS ON A

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DRAFT GOVERNING INTERNATIONAL FISHERY AGREEMENT (GIFA). A JOINT DELEGATION REPORT WAS COMPLETED AND INITIALLED ON AUGUST 7 BY US AMBASSADOR MARTIN F. HERZ AND MR. DRAGNY NEDEV IVANOV, DIRECTOR GENERAL, D.S.O. "RIBNO STOPANSTVO." IT CONTAINS A DRAFT AGREEMENT AND SOME UNRESOLVED ISSUES, SET OFF BY BRACKETS, TO BE CONSIDERED FURTHER BY THE GOVERNMENTS. SUBSEQUENT TALKS WILL BE HELD IN EARLY FALL IN WASHINGTON WITH BULGARIAN DEL STATING DESIRE TO CONCLUDE AGREEMENT BY LATE OCTOBER.

3. THE DRAFT GIFA USED AS BASIS FOR NEGOTIATIONS WAS MODIFIED, OR AREAS FOR ADDITIONAL CLARIFICATION WERE PLACED IN BRACKETED LANGUAGE, AS FOLLOWS:

4. PREAMBLE: US DEL PROPOSED FOLLOWING CHANGES IN RESPONSE TO BULGARIAN REQUESTS STATED REFTEL: DELETE PARAGRAPH THREE, BEGINNING WITH RECOGNIZING THAT THE UNITED STATES..., AND SUBSTITUTE A NEW PARAGRAPH WHICH READS "ACKNOWLEDGING THE FISHERY MANAGEMENT AUTHORITY OF THE UNITED STATES AS SET FORTH IN THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976:" BULGARIA REQUESTED BRACKETS AROUND BEGIN BRACKET AS SET FORTH IN THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 END BRACKET. IN A NEW PARAGRAPH, IDENTICAL TO THAT I US-POLAND GIFA, READING QUOTE HAVING REGARD FOR THE DISCUSSIONS OF THE THIRD UNITED NATIONS CONFERENCE..., UNQUOTE CHANGE QUOTE DISCUSSIONS UNQUOTE TO QUOTE DECISIONS UNQUOTE.

5. ARTICLE I. AGREED, WITH BRACKETS IN LAST LINE: QUOTE . . . QUTHORITY BEGIN BRACKET AS PROVIDED BY UNITED STATES LAW. END BRACKET UNQUOTE GOB IS CONCERNED ABOUT RECOGNIZING US JURISDICTION SOLEY UNDER US LAW, PREFERRING TO REFER ALSO TO COMPLIANCE WITH INTERNATIONAL LAW AND RULES OF INTERNATIONAL FISHERY ORGANIZATIONS.

6. ARTICLE II, PARA 5(C): AFTER US DEL EXPLANATION, GOB DROPPED CONCERN FOR CLARIFICATION RE QUOTE OTHER ACTIVITY, UNQUOTE WITHOUT INSERTION OF QUOTE...SUCH AS SCOUTING OR EXPLORATORY FISHING. UNQUOTE

7. ART. II, PARA 6(B). DIFFERENCES OVER PERMITS FOR FISHERY SUPPORT VESSELS RESULTED IN TWO BRACKET FORMULATIONS: ORIGINAL LANGUAGE DEFINING QUOTE FISHING VESSEL UNQUOTE IN THE U.S. DRAFT, AND FOLLOWING LANGUAGE PROPOSED BY GOB DEL: QUOTE BEGIN BRACKET LIMITED OFFICIAL USE

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6) QUOTE FISHING VESSEL UNQUOTE MEANS ANY SHIP, BOAT, STEAMER, OR OTHER VESSEL USED FOR, EQUIPPED FOR USE, OR OF A TYPE NORMALLY USED FOR FISHING, FREEZING OF FISH OR FISH PROCESSING. END BRACKET UNQUOTE.

8. ART. III, PARA 1. GOB REQUESTED FOLLOWING LANGUAGE ADDED AT END OF PARA 1, AND US DEL AGREED: QUOTE TAKING INTO ACCOUNT THE ANNUAL REQUEST OF THE PEOPLE'S REPUBLIC OF BULGARIA. UNQUOTE

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9. ART. III, PARA 2. GOB REQUESTED FOLLOWING LANGUAGE CHANGE, AGREED BY THE US DEL: CHANGE QUOTE . . . UNFORSEEN CIRCUMSTANCES AFFECTING THE STOCKS; TO UNQUOTE . . . UNFORSEEN CIRCUMSTANCES AFFECTING THE ABUNDANCE OF STOCKS; UNQUOTE

10. ART. III, PARA 2 (A) US DEL AGREED TO FOLLOWING ADDITION REQUESTED BY GOB: QUOTE (A) THE TOTAL ALLOWABLE CATCH FOR EACH FISHERY ON THE BASIS OF THE BEST AVAILABLE SCIENTIFIC EVIDENCE, INCLUDING DATA OBTAINED BY THE CONTRACTING PARTIES AND RELEVANT INTERNATIONAL ORGANIZATIONS, . . . UNQUOTE

11. ART. III, PARA 3, SUBPARAS (A) THROUGH (E). DELEGED FOLLOWING INTERNAL STUDY BY AND MUCH DISCUSSION WIH GOB.

12. ART. III, PARA 4. GOB WANTED LANGUAGE REQUIRING US TO CREATE CONDITIONS WHEREBY GOB COULD EFFECTIVELY REALIZE ITS QUOTAS (NOTE: QUOTE WINDOW APPROACH UNQUOTE PROPOSED RECENTLY BY US IN ICNAF CAUSED GRAVE CONCERN THAT GOB WOULD BE UNABLE TO CATCH QUOTAS ALLOCATED TO IT). US DEL INDICATED SOME DIFFICULTY WITH BRACKETED LANGUAGE PROPOSED BY GOB, AS FOLLOWS: QUOTE 4. THE GOVERNMENT OF THE UNITED STATES SHALL NOTIFY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA OF THE DETER-MINATIONS PROVIDED FOR BY THIS ARTICLE ON A TIMELY BASIS. BEGIN BRACKET, AND WILL ATTEMPT TO CREATE CONDITIONS FOR EFFECTIVE REALIZATION OF ANY ALLOCATIONS FOR FISHING VESSELS OF BULGARIA. END BRACKET UNQUOTE

13. GOB DEL ACCEPED ART. V.

14. ART VI. FOLLOWING BRACKETED LANGUAGE ADDITION REQUESTED BY GOV OVER CONCERN RE POSSIBLY ARBITRARY ALTERATION OF PERMITS BY US DURING CALENDAR YEAR FOLLOWING ISSUE: QUOTE BEGIN BRACKET LIMITED OFFICIAL USE

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AMENDMENTS IN THE PERMITS FOR THE CURRENT YEAR MAY BE MADE THROUGH CONSULTATIONS BETWEEN THE TWO GOVERNMENTS. END BRACKET UNQUOTE

15. ART. VIII, PARA 5. GOB DEL FEELS THAT LIABILITY OF GOB VESSEL SHOULD BE PROVEN BEFORE COMPENSATION FOR LOSSES TO US CITIZENS IS REQUIRED. HENCE THE LAST PART OF PARA 5 IS BRACKETED: QUOTE BEGIN BRACKET . . . THAT IS PROXIMATELY CAUSED BY ANY FISHING VESSEL OF BULGARIA. END BRACKET UNQUOTE ALTERNATIVE LANGUAGE PROPOSED BY GOV DEL TO REPLACE ABOVE (SENT SEPTEL TO L/OES FOR ANALYSIS) ALSO BRACKETED: QUOTE BEGIN BRACKET . . . PROVIDED THAT THE LIABILITY OF THE BULGARIAN VESSEL IS ESTABLISHED. END BRACKET UNQUOTE.

16. ART. IX, PARA 1. GOB DEL CONCERNED THAT US ENFORCEMENT OFFICIALS COULD REQUIRE A GOB VESSEL TO ASSIST IN ENFORCEMENT

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ACTIVITIES BY TAKING THE OFFICER TO OTHER GOB VESSELS, ACCORDING TO LAST PART OF PARA 1, AS FOLLOWS: QUOTE. . . AND SHALL COOPERATE IN SUCH ENFORCEMENT ACTION AS MAY BE UNDERTAKEN PURSUANT TO THE LAWS OF THE UNITED STATES. UNQUOTE US DEL ATTEMPTED TO ALLAY GOB FEARS WITHOUT SUCCESS, THEN PROPOSED FOLLOWING BRACKETED LANGUAGE ADDITION, SUBJECT OT CLEARANCE IN WASHINGTON: QUOTE. . . AND SHALL COOPERATE IN SUCH ENFORCEMENT ACTION BEGIN BRACKET ON THAT VESSEL END BRACKET AS MAY BE UNDERTAKEN PURSUANT TO THE LAWS OF THE UNITED STATES. UNQUOTE

17. ART. IX, BEGIN BRACKET PARA 3 END BRACKET. GOV DEL REQUESTED FOLLOWING BRACKETED LANGUAGE RE USG LIABILITY FOR ILLEGAL DETENTION OF GOV VESSELS: QUOTE BEGIN BRACKET 3) IN CASE OF ILLEGAL DETENTION AND TAKING INTO CUSTODY, THE GOVERNMENT OF THE UNITED STATES PAYS TO THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA COMPENSATIONS REFLECTING THE FULL SIZE OF THE LOSSES, DAMAGES AND THE MISSED ADVANTAGE. END BRACKET UNQUOTE

18. ART. XI. US DEL AMENDED LAST LINE, QUOTE . . . IN ACCORDANCE WITH THE PRATICE OF UNITED STATES SCIENTISTS UNQUOTE TO READ QUOTE . . . IN ACCORDANCE WITH THE PROCEDURES IN ANNEX II, WHICH CONSTITUTE
S
AN INTEGRAL PART OF THIS AGREEMENT. UNQUOTE

19. ART. XIII. PER DISCUSSION REFTEL, ART. XIII WAS ACCEPTABLE, AND US DEL PROVIDED A DRAFT LETTER RE PROCEDURES ON PORT CALLS
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WHICH WOULD BE SIGNED UPON COMPLETION OF AGREEMENT. GOB DEL REQUESTED THE PORTS OF EUREKA, NEWPORT (OREGON), SAN FRANCISCO, BOSTON, NEW YORK, ASTORIA, PHILADELPHIA, AND BALTIMORE, DESPITE US DEL'S ERIOUS EXPRESSION OF CONCERN RE GOB ENTRY INTO US PACIFIC FISHERIES, AND STATEMENT THAT US ANTICIPATES A ZERO ALLOCATION TO GOB IN PACIFIC FOR THE FORSEEABLE FUTURE. US DEL INSISTED IN BRACKETING THE LIST OF PORTS.

20. ANNEX I. ACCEPTABLE, BUT GOB DEL AGAIN STATED STRONG

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---------- 074797
P R 101436Z AUG 76
FM AMEMBASSY BUCHAREST
TO SECSTATE WASHDC PRIORITY 9199
INFO AMEMBASSY MOSCOW
AMEMBASSY WARSAW
AMEMBASSY SOFIA
AMEMBASSY COPENHAGEN

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DESIRE FOR INTO RE FEES AND ADMINISTRATIVE PROCEDURES ASAP.

21. ANNEX II. NEW ANNEX II ADDED RE DATA COLLECTION AND REPORTING REQUIREMENTS FOR BULGARIAN VESSELS. SAME AS ANNEX II IN GIFA WITH POLAND, BUT FOR ATLANTIC AREA ONLY.

22. AGREED MINUTE 1. US DEL PROPOSED THAT, DURING THE TRANSITIONAL PERIOD PENDING ENTRY INTO FORCE OF THE AGREEMENT, SHOULD ICNAF CEASE TO BE EFFECTIVE WITH RESPECT TO EITHER GOVERNMENT, THE GOB INTENDS TO APPLY, IN THE PORTION OF THE ICNAF AREA OFF THE U.S. COAST, THE APPLICABLE CATCH, AREA, FISHING GEAR AND SEASONAL RESTRICTIONS THAT WOULD HAVE APPLIED UNDER ICNAF. GOB DEL STATED THEY MUST CONSIDER FURTHER, AND LANGUAGE WAS BRACKETED.
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23. AGREED MINUTE 2. QUOTE TAKING INTO CONSIDERATION THE DESIR-ABILITY OF COOPERATION BETWEEN FISHING FIRMS AND COMMERCIAL ENTER-PRISES IN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF BULGARIA IN FIELDS OF COMMON INTEREST, BOTH PARTIES AGREED THAT IT WOULD BE APPROPRIATE TO CONSIDER ECONOMIC AND COMMERCIAL COOPERATION BETWEEN THE INTERESTED FIRMS AND ENTERPRISES IN

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THE TWO COUNTRIES WITHIN THE EXISTING LEGAL AND REGULATORY FRAME-
WORK. NOTING THE ENDEAVORS OF THE UNITED STATES - BULGARIAN
ECONOMIC COUNCIL FOR THE DEVELOPMENT AND FURTHERANCE OF ECONOMIC
AND COMMERCIAL COOPERATION, THE TWO PARTIES UNDERLINED THEIR INTEREST
THAT THIS COOPERATION BE CONSIDERED IN THE COUNCIL. UNQUOTE

24. US DEL WILL BRING COMPLETE COPIES OF DRAFT AGREEMENT BACK
TO WASHINGTON.
VIETS

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